

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES A. LENAHAN,

Plaintiff,

v.

**JEH JOHNSON, Secretary, U.S.
Department Homeland Security,**

Defendant.

**CIVIL ACTION
NO. 15-00763**

ORDER

AND NOW, this 1st day of February, 2016, upon consideration of Jeh Johnson's ("Johnson") Motion to Dismiss Count II of the Amended Complaint (ECF No. 12), James A. Lenahan's ("Lenahan") Response (ECF No. 15) and Johnson's Reply (ECF No. 16), it is **ORDERED** that the motion is **GRANTED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.